

REMARKS

Applicant respectfully requests reconsideration of the present application in view of the foregoing amendments and in view of the reasons which follow.

After amending the claims as set forth above, claims 1 and 5-35 are now pending in this application. Applicant would like to thank the Examiner for withdrawal of the prior rejections of claim 5 under 35 U.S.C. § 112, second paragraph, claims 1-5 and 15-16 under 35 U.S.C. § 112, first paragraph, claims 15-16 under 35 U.S.C. § 103, and claims 1, 3 and 5 under 35 U.S.C. § 102.

In a telephone conference with Examiner Davis on October 3, 2002, Examiner Davis indicated that the instant amendment to claim 5 would make the claim allowable. Applicant would like to thank the Examiner for her input. Support for the recitation "an enhancement in the ability of colony formation" in amended claim 5 is found at page 56, lines 8-11 of the present specification. Support for the recitation "a tumorigenic property" in amended claim 5 is found at page 58, lines 24-26 of the specification. Support for the recitation "a suppression of apoptosis induction" is found at page 58, lines 22-23.

Rejection of claim 5 under 35 U.S. C. § 112, first paragraph

Claim 5 stands rejected under 35 U.S.C. § 112 as containing subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventors, at the time the application was filed, had possession of the claimed invention. The Office Action further states that the claims are drawn to new matter not supported by the specification. Applicant respectfully requests withdrawal of this rejection.

During a telephone conference with Examiner Davis on June 17, 2002, the Examiner agreed that support for the claimed stringent conditions is, in fact, provided in the specification. However, for completeness, discussion of this rejection follows.

Amended claim 5 recites "[a] DNA capable of hybridizing under stringent conditions to a DNA having the nucleotide sequence as set forth in SEQ ID NO:1 and that has a biological property of gankyrin selected from the group consisting of an

enhancement in the ability of colony formation, a tumorigenic property and a suppression of apoptosis induction, wherein said stringent conditions are defined as washing said hybridized DNA at 50 °C, with 2xSSC and 0.1% SDS." The specification specifically recites the claimed stringent condition. "By way of example, a low stringent condition is 50 °C in 2 x SSC and 0.1% SDS." Page 12, lines 1-2.

Applicant respectfully requests withdrawal of this rejection.

Conclusions

Applicant believes that the present application is now in condition for allowance. Favorable reconsideration of the application as amended is respectfully requested.

The Examiner is invited to contact the undersigned by telephone if it is felt that a telephone interview would advance the prosecution of the present application.

Respectfully submitted,

Date OCTOBER 4, 2002


FOLEY & LARDNER
Customer Number: 22428



22428

PATENT TRADEMARK OFFICE

Telephone: (202) 672-5571
Facsimile: (202) 672-5399

By  REG # 47,033
AMY M. ROCKLIN
FOR Harold C. Wegner
Attorney for Applicant
Registration No. 25,258

MARKED UP VERSION SHOWING CHANGES MADE

Below are the marked up amended claim(s):

FI 5. (Twice Amended) A purified polypeptide that is encoded by a DNA capable of hybridizing under stringent conditions to a DNA having the nucleotide sequence as set forth in SEQ ID NO:1 and that has [the] a biological [properties] property of gankyrin selected from the group consisting of an enhancement in the ability of colony formation, a tumorigenic property and a suppression of apoptosis induction, wherein said stringent conditions are defined as washing said hybridized DNA at 50 °C, with 2xSSC and 0.1% SDS.
